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EXAMINER

WHITE, RODNEY BARNETT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/590,163	Applicant(s) LINK, WALTER	
	Examiner Rodney B. White	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 5 and 8, "the main seating direction" (2 instances) lacks antecedent basis. On line 6, "a third position" and "a fourth position" because it is referring "third" and "fourth" positions of the "seat base (8)". Earlier in the claim Applicant defined "first" and "second" positions of the backrest (1)". However, the "third" and "fourth" positions are defined with respect to the "seat base (8)". If the "third" and "fourth" positions were defined with respect to the "backrest (1)", it would appear to be acceptable. So it would appear the two positions of the "seat base (8)" should be labeled as - - first - - and - - second - -. However, to ensure that it is not confusing should probably define them as - - a backrest first position - -, a - - backrest second position - -, - - a seat base first position - -, and - - a seat base second position - -.

In claim 2, lines 2-3, "the spatial region" (2 instances) lacks antecedent basis.

In claim 4, line 3, "the transmission comprise" should be - - the transmission comprises - -. On lines 3-4, "on the one hand" is unclear and confusing language. On

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lines 4 and 6, "a fifth position" and "a sixth position" is unclear and confusing language. In claim 4, is the first time where there any mention of any positions of the "rails (5,6)". So how can the first mention of their positions be "fifth" and "sixth"? Also, on lines 4-5 and 7, the un-clarity of "the first position", "the third position", "the second position", and "the fourth position" carries over from claim 1.

In claim 5, line 4, the un-clarity of "a fifth position" and "a sixth position" carries over from claim 4.

In claim 7, lines 4-5, the un-clarity of "a fifth position" and "a sixth position" carries over from claim 4.

In claim 9, lines 5-6, the un-clarity of "the third position" and "the fourth position" carries over from claim 1.

In claim 10, lines 3-4, the un-clarity of "the third position" and "the fourth position" carries over from claim 1.

In claim 11, line 4 the un-clarity of "the third position" and "the fourth position" carries over from claim 1.

In claim 12, line 3 the un-clarity of "the third position" and "the fourth position" carries over from claim 1.

The aforementioned problems render the claims vague and indefinite.

Clarification and/or corrections is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-3 and 9-10, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Louis (U.S. Patent No. 4,390,205).

Louis teaches a vehicle seat comprising a backrest (3), a seat part (1) and a seat base, the backrest (3) being able to be set into a first position and into a second position

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by being pivotable relative to the seat part (1) about a first rotary spindle (9) arranged essentially transversely with respect to the main seating direction, and the seat base being able to be set into a third position and into a fourth position by being pivotable relative to the seat part (1) about a second rotary spindle (5, 7) arranged essentially transversely with respect to the main seating direction, including in the vehicle seat a transmission configured in such a manner that a pivoting movement of the backrest (3) from the first position into the second position, is coupled to a pivoting movement of the seat base from the third position into the fourth position, wherein the spatial region taken up by the backrest (3) in the second position at least partially overlaps the spatial region taken up by the seat base in the third position, wherein the first and second rotary spindles (9) and (5,7), respectively, are provided essentially parallel to each other, essentially horizontally and, in the main seating direction, essentially at opposite ends of the seat part (1), wherein the setting of the backrest (3) from its first position into its second position and the setting of the seat base from its third position into its fourth position take place at the same time, wherein the setting of the backrest (3) from its second position into its first position and the setting of the seat base from its fourth position into its third position take place at the same time.

Claims 1-3 and 9-10, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Froumajou (U.S. Patent No. 4,382,629).

Froumajou teaches a vehicle seat comprising a backrest (3), a seat part (1) and a seat base, the backrest (3) being able to be set into a first position and into a second

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position by being pivotable relative to the seat part (1) about a first rotary spindle (9) arranged essentially transversely with respect to the main seating direction, and the seat base being able to be set into a third position and into a fourth position by being pivotable relative to the seat part (1) about a second rotary spindle (5, 7) arranged essentially transversely with respect to the main seating direction, including in the vehicle seat a transmission configured in such a manner that a pivoting movement of the backrest (3) from the first position into the second position, is coupled to a pivoting movement of the seat base from the third position into the fourth position, wherein the spatial region taken up by the backrest (3) in the second position at least partially overlaps the spatial region taken up by the seat base in the third position, wherein the first and second rotary spindles (9) and (5,7), respectively, are provided essentially parallel to each other, essentially horizontally and, in the main seating direction, essentially at opposite ends of the seat part (1), wherein the setting of the backrest (3) from its first position into its second position and the setting of the seat base from its third position into its fourth position take place at the same time, wherein the setting of the backrest (3) from its second position into its first position and the setting of the seat base from its fourth position into its third position take place at the same time.

Claims 1-3, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Parsson (U.S. Patent No. 5,044,683).

Parsson teaches a vehicle seat comprising a backrest (5), a seat part (17) and a seat base, the backrest (5) being able to be set into a first position and into a second

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position by being pivotable relative to the seat part (17) about a first rotary spindle (34,35,50) arranged essentially transversely with respect to the main seating direction, and the seat base being able to be set into a third position and into a fourth position by being pivotable relative to the seat part (17) about a second rotary spindle (18,21) arranged essentially transversely with respect to the main seating direction, including in the vehicle seat a transmission configured in such a manner that a pivoting movement of the backrest (5) from the first position into the second position, is coupled to a pivoting movement of the seat base from the third position into the fourth position, wherein the spatial region taken up by the backrest (5) in the second position at least partially overlaps the spatial region taken up by the seat base in the third position, wherein the first and second rotary spindles (34,35,50) and (18,21), respectively, are provided essentially parallel to each other, essentially horizontally and, in the main seating direction, essentially at opposite ends of the seat part (17).

Claims 1-3 and 9-10, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Richter et al (U.S. Patent No. 5,482,349).

Richter et al teach a vehicle seat comprising a backrest (26), a seat part (24) and a seat base, the backrest (26) being able to be set into a first position and into a second position by being pivotable relative to the seat part (24) about a first rotary spindle (31m) arranged essentially transversely with respect to the main seating direction, and the seat base being able to be set into a third position and into a fourth position by being pivotable relative to the seat part (24) about a second rotary spindle (39) arranged

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essentially transversely with respect to the main seating direction, including in the vehicle seat a transmission configured in such a manner that a pivoting movement of the backrest (26) from the first position into the second position, is coupled to a pivoting movement of the seat base from the third position into the fourth position, wherein the spatial region taken up by the backrest (26) in the second position at least partially overlaps the spatial region taken up by the seat base in the third position, wherein the first and second rotary spindles (31m) and (39), respectively, are provided essentially parallel to each other, essentially horizontally and, in the main seating direction, essentially at opposite ends of the seat part (24), wherein the setting of the backrest (26) from its first position into its second position and the setting of the seat base from its third position into its fourth position take place at the same time, wherein the setting of the backrest (26) from its second position into its first position and the setting of the seat base from its fourth position into its third position take place at the same time.

Claims 1-3, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Rus (U.S. Patent No. 5,641,202).

Rus teaches a vehicle seat comprising a backrest (14), a seat part (18) and a seat base, the backrest (14) being able to be set into a first position and into a second position by being pivotable relative to the seat part (18) about a first rotary spindle arranged essentially transversely with respect to the main seating direction, and the seat base being able to be set into a third position and into a fourth position by being pivotable relative to the seat part (18) about a second rotary spindle (24) arranged

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essentially transversely with respect to the main seating direction, including in the vehicle seat a transmission configured in such a manner that a pivoting movement of the backrest (14) from the first position into the second position, is coupled to a pivoting movement of the seat base from the third position into the fourth position, wherein the spatial region taken up by the backrest (14) in the second position at least partially overlaps the spatial region taken up by the seat base in the third position, wherein the first and second rotary spindles are provided essentially parallel to each other, essentially horizontally and, in the main seating direction, essentially at opposite ends of the seat part (18).

Claims 1-3, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Rus (U.S. Patent No. 5,658,046).

Rus teaches a vehicle seat comprising a backrest (14), a seat part (16) and a seat base, the backrest (14) being able to be set into a first position and into a second position by being pivotable relative to the seat part (16) about a first rotary spindle (38) arranged essentially transversely with respect to the main seating direction, and the seat base being able to be set into a third position and into a fourth position by being pivotable relative to the seat part (16) about a second rotary spindle (at 18) arranged essentially transversely with respect to the main seating direction, including in the vehicle seat a transmission configured in such a manner that a pivoting movement of the backrest (14) from the first position into the second position, is coupled to a pivoting movement of the seat base from the third position into the fourth position, wherein the

spatial region taken up by the backrest (14) in the second position at least partially overlaps the spatial region taken up by the seat base in the third position, wherein the first and second rotary spindles (38 and the one at 18) are provided essentially parallel to each other, essentially horizontally and, in the main seating direction, essentially at opposite ends of the seat part (16).

Claims 1-3, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Sutton et al (U.S. Patent Nos. 5,738,411 and 5,826,942).

Sutton et al teach a vehicle seat comprising a backrest (20), a seat part (12) and a seat base, the backrest (20) being able to be set into a first position and into a second position by being pivotable relative to the seat part (12) about a first rotary spindle (30) arranged essentially transversely with respect to the main seating direction, and the seat base being able to be set into a third position and into a fourth position by being pivotable relative to the seat part (12) about a second rotary spindle (not shown) arranged essentially transversely with respect to the main seating direction, including in the vehicle seat a transmission configured in such a manner that a pivoting movement of the backrest (20) from the first position into the second position, is coupled to a pivoting movement of the seat base from the third position into the fourth position, wherein the spatial region taken up by the backrest (20) in the second position at least partially overlaps the spatial region taken up by the seat base in the third position, wherein the first and second rotary spindles (30 and the one not shown) are provided

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essentially parallel to each other, essentially horizontally and, in the main seating direction, essentially at opposite ends of the seat part (12).

Claims 1-3, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Namba et al (U.S. Patent No. 5,954,398).

Namba et al teach a vehicle seat comprising a backrest (33a), a seat part (31) and a seat base, the backrest (33a) being able to be set into a first position and into a second position by being pivotable relative to the seat part (31) about a first rotary spindle (37) arranged essentially transversely with respect to the main seating direction, and the seat base being able to be set into a third position and into a fourth position by being pivotable relative to the seat part (31) about a second rotary spindle (15) arranged essentially transversely with respect to the main seating direction, including in the vehicle seat a transmission configured in such a manner that a pivoting movement of the backrest (33a) from the first position into the second position, is coupled to a pivoting movement of the seat base from the third position into the fourth position, wherein the spatial region taken up by the backrest (33a) in the second position at least partially overlaps the spatial region taken up by the seat base in the third position, wherein the first and second rotary spindles (37,15) are provided essentially parallel to each other, essentially horizontally and, in the main seating direction, essentially at opposite ends of the seat part (31).

Claims 1-3 and 9-10, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Schaefer et al (U.S. Patent No. 6,070,934).

Schaefer et al teaches a vehicle seat comprising a backrest (24), a seat part (20) and a seat base, the backrest (24) being able to be set into a first position and into a second position by being pivotable relative to the seat part (20) about a first rotary spindle (not shown) arranged essentially transversely with respect to the main seating direction, and the seat base being able to be set into a third position and into a fourth position by being pivotable relative to the seat part (1) about a second rotary spindle (51) arranged essentially transversely with respect to the main seating direction, including in the vehicle seat a transmission configured in such a manner that a pivoting movement of the backrest (24) from the first position into the second position, is coupled to a pivoting movement of the seat base from the third position into the fourth position, wherein the spatial region taken up by the backrest (24) in the second position at least partially overlaps the spatial region taken up by the seat base in the third position, wherein the first and second rotary spindles (not shown) and (51), respectively, are provided essentially parallel to each other, essentially horizontally and, in the main seating direction, essentially at opposite ends of the seat part (20), wherein the setting of the backrest (24) from its first position into its second position and the setting of the seat base from its third position into its fourth position take place at the same time, wherein the setting of the backrest (24) from its second position into its first position and the setting of the seat base from its fourth position into its third position take place at the same time.

Claims 1-3, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Mitschelen et al et al (U.S. Patent No. 6,193,317 B1).

Mitschelen et al teach a vehicle seat comprising a backrest (13), a seat part (14) and a seat base, the backrest (13) being able to be set into a first position and into a second position by being pivotable relative to the seat part (14) about a first rotary spindle (25) arranged essentially transversely with respect to the main seating direction, and the seat base being able to be set into a third position and into a fourth position by being pivotable relative to the seat part (14) about a second rotary spindle (15) arranged essentially transversely with respect to the main seating direction, including in the vehicle seat a transmission configured in such a manner that a pivoting movement of the backrest (13) from the first position into the second position, is coupled to a pivoting movement of the seat base from the third position into the fourth position, wherein the spatial region taken up by the backrest (13) in the second position at least partially overlaps the spatial region taken up by the seat base in the third position, wherein the first and second rotary spindles (25,15) are provided essentially parallel to each other, essentially horizontally and, in the main seating direction, essentially at opposite ends of the seat part (20).

Claims 1-7, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Arai et al (U.S. Patent No. (6,183,033 B1).

Arai et al teach a vehicle seat comprising a backrest (52), a seat part (44) and a seat base, the backrest (52) being able to be set into a first position and into a second position by being pivotable relative to the seat part (44) about a first rotary spindle (106) arranged essentially transversely with respect to the main seating direction, and the seat base being able to be set into a third position and into a fourth position by being pivotable relative to the seat part (44) about a second rotary spindle (103 or 104 or 105) arranged essentially transversely with respect to the main seating direction, including in the vehicle seat a transmission configured in such a manner that a pivoting movement of the backrest (52) from the first position into the second position, is coupled to a pivoting movement of the seat base from the third position into the fourth position, wherein the spatial region taken up by the backrest (42) in the second position at least partially overlaps the spatial region taken up by the seat base in the third position, wherein the first and second rotary spindles (106) and (103 or 104 or 105), respectively, are provided essentially parallel to each other, essentially horizontally and, in the main seating direction, essentially at opposite ends of the seat part (44), wherein the transmission comprise a first rail (1) and a second rail (4), with a fifth position of the rails (1,4) relative to each other corresponding to the first position of the backrest (52) and the third position of the seat base, and a sixth position of the rails (1,4) relative to each other corresponding to the second position of the backrest (52) and the fourth position of the seat base, wherein a longitudinal displacement of the rails (1,4) relative to each

other takes place between the fifth position of the rails (1,4) and the sixth position of the rails (1,4), wherein the vehicle seat has locking means in such a manner that the rails (1,4) can be locked with respect to a longitudinal displacement, wherein a drive is coupled to the rails (1,4) wherein, a setting of the rails (1,4) from their fifth position into their sixth position can be brought about.

Claims 1-7, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Arai (U.S. Patent No. (6,196,613 B1).

Arai teaches a vehicle seat comprising a backrest (16), a seat part (5) and a seat base, the backrest (16) being able to be set into a first position and into a second position by being pivotable relative to the seat part (5) about a first rotary spindle (13) arranged essentially transversely with respect to the main seating direction, and the seat base being able to be set into a third position and into a fourth position by being pivotable relative to the seat part (5) about a second rotary spindle (where S1 is and where fixing and cushion link 17,19, respectively, are attached) arranged essentially transversely with respect to the main seating direction, including in the vehicle seat a transmission configured in such a manner that a pivoting movement of the backrest (16) from the first position into the second position, is coupled to a pivoting movement of the seat base from the third position into the fourth position, wherein the spatial region taken up by the backrest (16) in the second position at least partially overlaps the spatial region taken up by the seat base in the third position, wherein the first and second rotary spindles (13) and (where S1 is and where fixing and cushion link 17,19,

respectively, are attached) are provided essentially parallel to each other, essentially horizontally and, in the main seating direction, essentially at opposite ends of the seat part (5), wherein the transmission comprise a first rail (3) and a second rail (3), with a fifth position of the rails (3) relative to each other corresponding to the first position of the backrest (16) and the third position of the seat base, and a sixth position of the rails (1,4) relative to each other corresponding to the second position of the backrest (16) and the fourth position of the seat base, wherein a longitudinal displacement of the rails (1,4) relative to each other takes place between the fifth position of the rails (1,4) and the sixth position of the rails (3), wherein the vehicle seat has locking means in such a manner that the rails (3) can be locked with respect to a longitudinal displacement, wherein a drive is coupled to the rails (3) wherein, a setting of the rails (3) from their fifth position into their sixth position can be brought about.

Claims 1-7 and 9-10, so far as understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Saberan et al (U.S. Patent No. (6,899,392 B1).

Saberan et al teach a vehicle seat comprising a backrest, a seat part and a seat base, the backrest being able to be set into a first position and into a second position by being pivotable relative to the seat part about a first rotary spindle arranged essentially transversely with respect to the main seating direction, and the seat base being able to be set into a third position and into a fourth position by being pivotable relative to the seat part about a second rotary spindle arranged essentially transversely with respect to the main seating direction, including in the vehicle seat a transmission configured in

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such a manner that a pivoting movement of the backrest from the first position into the second position, is coupled to a pivoting movement of the seat base from the third position into the fourth position, wherein the spatial region taken up by the backrest in the second position at least partially overlaps the spatial region taken up by the seat base in the third position, wherein the first and second rotary spindles are provided essentially parallel to each other, essentially horizontally and, in the main seating direction, essentially at opposite ends of the seat part, wherein the transmission comprise a first rail and a second rail, with a fifth position of the rails relative to each other corresponding to the first position of the backrest and the third position of the seat base, and a sixth position of the rails relative to each other corresponding to the second position of the backrest and the fourth position of the seat base, wherein a longitudinal displacement of the rails relative to each other takes place between the fifth position of the rails and the sixth position of the rails, wherein the vehicle seat has locking means in such a manner that the rails can be locked with respect to a longitudinal displacement, wherein a drive is coupled to the rails wherein, a setting of the rails from their fifth position into their sixth position can be brought about, wherein the setting of the backrest from its first position into its second position and the setting of the seat base from its third position into its fourth position take place at the same time, wherein the setting of the backrest from its second position into its first position and the setting of the seat base from its fourth position into its third position take place at the same time (See Figures 1-9 and specification).

Claims 1-10, so far as understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Wieclawski (U.S. Patent No. (6,908,155 B1).

Wieclawski teaches a vehicle seat comprising a backrest (20), a seat part and a seat base, the backrest (20) being able to be set into a first position and into a second position by being pivotable relative to the seat part about a first rotary spindle (S) arranged essentially transversely with respect to the main seating direction, and the seat base being able to be set into a third position and into a fourth position by being pivotable relative to the seat part about a second rotary spindle (where is "rocker arm 40" is attached) arranged essentially transversely with respect to the main seating direction, including in the vehicle seat a transmission configured in such a manner that a pivoting movement of the backrest (20) from the first position into the second position, is coupled to a pivoting movement of the seat base from the third position into the fourth position, wherein the spatial region taken up by the backrest (20) in the second position at least partially overlaps the spatial region taken up by the seat base in the third position, wherein the first and second rotary spindles (S) and (at "rocker arm 40"), respectively, are provided essentially parallel to each other, essentially horizontally and, in the main seating direction, essentially at opposite ends of the seat part, wherein the transmission comprise a first rail (1) and a second rail (4), with a fifth position of the rails (1,4) relative to each other corresponding to the first position of the backrest (52) and the third position of the seat base, and a sixth position of the rails (1,4) relative to each other corresponding to the second position of the backrest (52) and the fourth position of the seat base, wherein a longitudinal displacement of the rails (1,4) relative to each

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other takes place between the fifth position of the rails (1,4) and the sixth position of the rails (12,14), wherein the vehicle seat has locking means in such a manner that the rails (12,14) can be locked with respect to a longitudinal displacement, wherein a drive is coupled to the rails (12,14) wherein, a setting of the rails (12,14) from their fifth position into their sixth position can be brought about, wherein the drive is one of an electric actuator, pneumatic actuator and a hydraulic actuator (see claims 1 and 8), wherein the setting of the backrest (20) from its first position into its second position and the setting of the seat base from its third position into its fourth position take place at the same time, wherein the setting of the backrest (20) from its second position into its first position and the setting of the seat base from its fourth position into its third position take place at the same time.

Claims 1-7, so far as understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Sugimoto et al (U.S. Patent No. (6,568,756 B2)).

Sugimoto et al teach a vehicle seat comprising a backrest (5), a seat part and a seat base, the backrest (5) being able to be set into a first position and into a second position by being pivotable relative to the seat part about a first rotary spindle (13) arranged essentially transversely with respect to the main seating direction, and the seat base being able to be set into a third position and into a fourth position by being pivotable relative to the seat part about a second rotary spindle (9) arranged essentially transversely with respect to the main seating direction, including in the vehicle seat a transmission configured in such a manner that a pivoting movement of the backrest (5)

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from the first position into the second position, is coupled to a pivoting movement of the seat base from the third position into the fourth position, wherein the spatial region taken up by the backrest (5) in the second position at least partially overlaps the spatial region taken up by the seat base in the third position, wherein the first and second rotary spindles (13) and (9) are provided essentially parallel to each other, essentially horizontally and, in the main seating direction, essentially at opposite ends of the seat part, wherein the transmission comprise a first rail (15) and a second rail (3), with a fifth position of the rails (3,15) relative to each other corresponding to the first position of the backrest (5) and the third position of the seat base, and a sixth position of the rails (3,15) relative to each other corresponding to the second position of the backrest (5) and the fourth position of the seat base, wherein a longitudinal displacement of the rails (3,15) relative to each other takes place between the fifth position of the rails (3,15) and the sixth position of the rails (3,15), wherein the vehicle seat has locking means in such a manner that the rails (3,15) can be locked with respect to a longitudinal displacement, wherein a drive is coupled to the rails (3,15) wherein, a setting of the rails (3,15) from their fifth position into their sixth position can be brought about.

Claims 1-10, so far as understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Kammerer (U.S. Patent No. (6,655,738 B2).

Kammerer teaches a vehicle seat comprising a backrest (5), a seat part and a seat base, the backrest (5) being able to be set into a first position and into a second position by being pivotable relative to the seat part about a first rotary spindle arranged

essentially transversely with respect to the main seating direction, and the seat base being able to be set into a third position and into a fourth position by being pivotable relative to the seat part about a second rotary spindle arranged essentially transversely with respect to the main seating direction, including in the vehicle seat a transmission configured in such a manner that a pivoting movement of the backrest (5) from the first position into the second position, is coupled to a pivoting movement of the seat base from the third position into the fourth position, wherein the spatial region taken up by the backrest (5) in the second position at least partially overlaps the spatial region taken up by the seat base in the third position, wherein the first and second rotary spindles and, respectively, are provided essentially parallel to each other, essentially horizontally and, in the main seating direction, essentially at opposite ends of the seat part, wherein the transmission comprise a first rail and a second rail, with a fifth position of the rails relative to each other corresponding to the first position of the backrest and the third position of the seat base, and a sixth position of the rails relative to each other corresponding to the second position of the backrest (5) and the fourth position of the seat base, wherein a longitudinal displacement of the rails relative to each other takes place between the fifth position of the rails and the sixth position of the rails, wherein the vehicle seat has locking means in such a manner that the rails can be locked with respect to a longitudinal displacement, wherein a drive is coupled to the rails wherein, a setting of the rails from their fifth position into their sixth position can be brought about, wherein the drive is one of an electric actuator, pneumatic actuator and a hydraulic actuator (41), wherein the setting of the backrest (5) from its first position into its second

position and the setting of the seat base from its third position into its fourth position take place at the same time, wherein the setting of the backrest (5) from its second position into its first position and the setting of the seat base from its fourth position into its third position take place at the same time.

Claims 1-3 and 9-10, so far as understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Mukoujima et al (U.S. Patent No. 7,014,263 B2).

Mukoujima et al teach a vehicle seat comprising a backrest (14), a seat part and a seat base, the backrest (14) being able to be set into a first position and into a second position by being pivotable relative to the seat part about a first rotary spindle (33) arranged essentially transversely with respect to the main seating direction, and the seat base being able to be set into a third position and into a fourth position by being pivotable relative to the seat part about a second rotary spindle (20a or 20b) arranged essentially transversely with respect to the main seating direction, including in the vehicle seat a transmission configured in such a manner that a pivoting movement of the backrest (14) from the first position into the second position, is coupled to a pivoting movement of the seat base from the third position into the fourth position, wherein the spatial region taken up by the backrest (14) in the second position at least partially overlaps the spatial region taken up by the seat base in the third position, wherein the first and second rotary spindles (33) and (20a or 20b), respectively, are provided essentially parallel to each other, essentially horizontally and, in the main seating direction, essentially at opposite ends of the seat part, wherein the setting of the

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backrest (14) from its first position into its second position and the setting of the seat base from its third position into its fourth position take place at the same time, wherein the setting of the backrest (14) from its second position into its first position and the setting of the seat base from its fourth position into its third position take place at the same time.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wieclawski (U.S. Patent No. (6,908,155 B1).

Wieclawski the obvious use of the structures as claimed.

Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kammerer (U.S. Patent No. (6,655,738 B2).

Kammerer the obvious use of the structures as claimed.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bonnaud, Brennan, Yoshida et al, takeda et al, Kargilis et al, Bolsworth et al, Matsuo et al, Smuk, Seibold et al, Jach et al, Makosa, Freijy et al, Kayumi et al, Kim, Price et al, Tame, Elterman et al, Tame et al, Kubo, and Epaud et al, teach structures and concepts similar to those of the present invention. Queveau et al, Hofmann et al, White et al, and Saberan, teach structures and concepts to the present invention but have insufficient dates.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (571) 272-6863. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on (571) 272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Rodney B. White,
Patent Examiner
Art Unit 3636
October 22, 2007

A handwritten signature in black ink, reading "Rodney B. White". The signature is fluid and cursive, with the first name "Rodney" being more prominent than the last name "White".

RODNEY B. WHITE
PRIMARY EXAMINER